

Interview Summary

Application No.

09/845,267

Applicant(s)

LONG, TIMOTHY MERRICK

Examiner

Donald L. Champagne

Art Unit

3622

All participants (applicant, applicant's representative, PTO personnel):

(1) Donald L. Champagne.

(3) _____

(2) Greg Weaver, Esq.

(4) _____

Date of Interview: 12 Oct 2007

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant

2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: None.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

* Transmitted OK ~ 7:08 PM ET
17 Oct 07

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Atty. called to ask that the finality of the 3 October 2007 rejection be reversed. Atty. noted that his associate, Damond Vadnais, believed from the after-final interview on 15 February 2007 that the proposed amendment had merit. However, the 3 October 2007 rejection was made final on the first action after RCE.

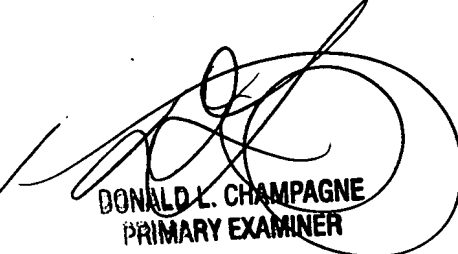
The summary of the 15 February 2007 interview says the following:

"The proposed amendment was discussed. In essence, applicant is now claiming that advertising information is being displayed when ANY non-advertising application is being used. The examiner noted that this does appear to be a potentially important limitation, although the prior art, including that made of record, would have to be searched".

This does not explicitly promise that the proposed amendment would overcome anything, but the examiner acknowledges that the tone leaves room for interpretation. Atty. Weaver noted that applicant might have submitted a different amendment if the interview had clearly suggested that the proposed amendment had no promise.

Accordingly, the primary examiner has agreed (1) to make the 3 October 2007 rejection non-final, and (2) to wait until 1 November 2007 before mailing said non-final rejection.

The examiner is not optimistic that the application can be put in condition for allowance, and accordingly suggests that applicant consider an appeal to the BPAI.



DONALD L. CHAMPAGNE
PRIMARY EXAMINER

